

REMARKS/ARGUMENTS

Pending claims 1-8 and 13-24 stand rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 6,760,771 (Giroir). Applicants respectfully traverse the rejection. As to claim 1, nowhere does Giroir teach a communication switch that includes an output to report a result of a comparison of a port specifier of a first message against port specifiers of previously received messages. In this regard, the Office Action contends that transmission of an IP datagram from a dispatcher system 506 to a server 503 meets the claimed output. However, this transmission is merely forwarding of a data packet. This is not an output that reports a result of a comparison of a port specifier of a first message against port specifiers of previously received messages. For at least this reason, claim 1 and the claims depending therefrom are patentable over Giroir.

As to claim 13, Giroir nowhere teaches determining whether excessive traffic is originating from a source identified by a common address:port identifier of a first message and previously received messages via a comparison of address:port identifiers. Instead, Giroir merely teaches that a congestion control component 513 detects congestion and discards traffic if required according to a device type and priority criteria. Giroir, col. 8, lns. 20-23. Nowhere however does Giroir teach determining whether excessive traffic is originating from a source identified by a common address:port identifier of multiple messages. Accordingly, claim 13 and the claims depending therefrom are patentable over Giroir.

Claim 20 is patentable at least for the same reasons discussed above regarding claim 13. Furthermore, nowhere does Giroir teach a fraud reporter, and particularly not such a reporter that reports excessive traffic from a common address identifier and port identifier combination of a communication device. Accordingly, claims 20 and 21 are patentable.

Claim 22 and its dependent claims are similarly patentable as Giroir nowhere teaches determining whether excessive traffic is going to/from an address:port combination responsive to a comparison of address:port combinations of first and second messages. Accordingly these claims are patentable.

Pending claims 25-33 stand rejected under 35 U.S.C. § 103(a) over Giroir in view of U.S. Patent No. 6,657,956 (Sigaud). Applicants respectfully traverse the rejection. Claims 25 and 26

are patentable at least for the same reasons discussed above regarding claim 22 from which they depend.

As to claim 27 neither reference teaches or suggests determining whether a device is performing masquerading based on a comparison of address and sub-address identifiers of a received message against one or more previously received messages. In this regard, the Office Action concedes that Giroir nowhere teaches or suggests such determining. Nor does Sigaud. Instead, Sigaud merely teaches that using a card reader and a security card provided by a user, it is possible to guard against stealing of IP addresses by an intruder to a network. However, Sigaud can only perform such guarding via use of a card reader. Nowhere does Sigaud in any way teach or suggest determining masquerading based on a comparison between address and sub-address identifiers of multiple messages.

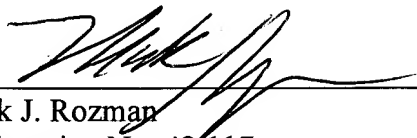
Furthermore, there is no suggestion or motivation to modify the references or to combine their teachings. Accordingly, a *prima facie* case of obviousness has not been made. Instead, the Office Action merely states that it would have been obvious to incorporate Sigaud's teachings into Giroir because "it would have protected a stations' access to at least one server and provided selection access to the application requested from the server in a communications network." Office Action, p. 8. However nowhere does such protection have any bearing on claim 27 or the claims depending therefrom. Nor is there any indication of how the references may be combined in order to obtain the claimed subject matter. Accordingly, the rejection of claim 27 and the claims depending therefrom are overcome.

New claims 35-36 are patentable at least for the same reasons as the independent claims from which they depend.

In view of these remarks, the application is now in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504.

Respectfully submitted,

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